REMARKS

The Office Action mailed April 28, 2009, has been carefully reviewed and, by this Amendment, claims 1-6 have been amended and claims 7-10 have been added. Claims 1-10 are pending in the application. Claims 1 and 7 are independent.

As an initial matter, Applicant has corrected informalities noted in the abstract and specification, including the addition of headings. The text added to page 2 corresponds with the claims that had previously been referred to such that no new matter has been added.

The Examiner rejected claims 1 and 2 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,639,367 to Ohzeki et al. ("Ohzeki"). Under 35 U.S.C. 103(a), the Examiner rejected claims 3-6 as being unpatentable over Ohzeki in view of U.S. Patent Appl. No. US 2001/0055947.

As clarified in amended claim 1 and new claim 7, the present invention is directed to a supply air terminal assembly for the supply of supply air to a room. The supply air terminal assembly includes first and second throttling units each having a socket and an air filter, with the air filter of the first throttling unit being located downstream of the air filter of the second throttling unit in the supply air direction. Both the first

and second throttling units are supplied with supply air from a supply air pipe, with each throttling unit being formed in order to give the passing supply air flow a preselected pressure drop under weak noise generation.

The respective sockets of the two throttling units are spaced from with one another so that a ring-shaped gap is formed in between the two sockets. The gap can be opened or closed by a shut off valve to temporarily enhance the supply air flow through the supply air terminal assembly when the gap is opened. When the valve is in the closed position and the gap is hence closed, the two air filters are connected in series in the flow direction of the supply air. Conversely, when the valve is in the opened position and the gap is thereby opened, the two air filters are connected in parallel so that air passes through the gap and directly into the second filter without having to first pass through the first filter. This is not shown by the prior art.

Ohzeki is directed to a fuel filter disposed inside the fuel tank of a vehicle. In the embodiment shown in Figure 7, which is relied upon by the Examiner, the fuel filter 21 includes a filter cloth 30 having two layers, an outer cloth 30A and an inner cloth 30B. Together, these two layers form a bag with the space therein being maintained by a frame structure 31 within the bag.

The flow of fuel is from outside of the filter cloth into the interior of the bag which is opposite the flow direction of the claimed air terminal device. Hence, while Ohzeki requires a frame structure inside the bag because of the inward flow direction through the body of the bag which might otherwise collapse the bag, the present invention has no such requirement since in the claimed invention air flows into the open end of the bag and then in an outward direction through the body of the bag.

Furthermore, and more fundamentally, Ohzeki does not disclose two sockets and does not speak to throttling units at all. In citing structure from Ohzeki that supposedly forms "a socket", the Examiner cited the place where the outer and inner cloths 30A, 30B are connected to the connecting pipe portion 34. At most, this could form *one* socket. But then the Examiner further relies on the same connecting pipe portion 34 as also constituting a ring gap. Applicant cannot understand these interpretations and requests clarification.

The Examiner then identified the outer and inner cloths 30A and 30B as constituting the first and second air filters, respectively. There are several problems with this interpretation. First, Ohzeki lacks two sockets, with each socket being associated with a respective one of the filter cloths. Instead, the two

filter cloths in Ohzeki are joined at a single socket, to the extent connecting pipe portion 34 can be considered a socket.

Second, since there is only, at most, one "socket" in Ohzeki, there can be no ring gap between two sockets as is claimed by the present invention.

Third, if the connecting pipe portion 34 is somehow relied upon as being the ring gap, Applicant is left with speculating that the Examiner is somehow finding a gap between the two filter cloths 30A and 30B where they are connected. This, however, is not true as Ohzeki specifically discloses that the filter cloth 30, which includes the two filter cloths 30A and 30B, "is clamped and fixed between the outlet pipe portion 36 and the connecting pipe portion 34" (see column 4, lines 30-35); clearly, *there is no ring gap between the filter cloths at the connecting pipe portion 34*. In addition, the filter cloth 30 is disclosed as being a two-layer fabric which has been folded and then welded along three sides to form a single bag (see column 3, line 61 to column 4, line 6). Hence, there is and can be *no ring gap between the outer and inner cloths that can be opened and closed by a valve to allow fluid to flow in parallel when the ring gap is open*.

Fourth, the Examiner has cited the outer and inner cloths as being both the air filters and then, later in the Office Action,

as being the throttling units. The filter cloths 30A and 30B are not throttling units, as they have nothing to do with throttling the flow of fluid. Rather, the fluid stream in Ohzeki is governed by a fuel pump 23 located downstream of the filter 30.

Finally, the claimed invention provides that the filter of the first throttling unit is located *downstream* of the filter of the second throttling unit. In Ohzeki, the first air filter, outer cloth 30A, is located *upstream* of the second air filter, inner cloth 30B, since the fluid flow direction is from outside the filter cloth 30 into the inside of the filter 21, and to the outlet pipe 36.

For at least the foregoing reasons, claims 1 and 7 are patentable over Ohzeki. Favorable reconsideration and allowance of claims 1 and 7 is requested.

Claims 2-6 and 8-10 are also in condition for allowance as dependent claims properly dependent on an allowable base claim and for the subject matter contained.

The Examiner also stated that claims 1 and 2 conflict with claims 1 and 2 of Applicant's copending application, Serial No. 10/594,067. With the amendments set forth herein, as well as the amendments being submitted this date in the '067 application, Applicant requests reconsideration of the claims as not being in

conflict in view of the differing scope of the respective independent claims presented in each of the applications.

With the foregoing amendments and remarks, the application is in condition for allowance. Should the Examiner have any questions or comments, the Examiner is cordially invited to telephone the undersigned attorney so that the present application can receive an early Notice of Allowance.

Respectfully submitted,

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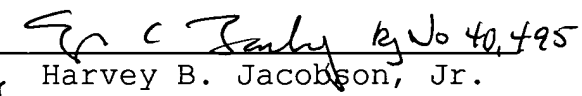
By 
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